

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**  
Civil Action No. 20-cv-5965

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THE CITY OF NEW YORK,

Plaintiff,

-against-

OLD DOMINION TOBACCO COMPANY,  
INCORPORATED d/b/a ATLANTIC DOMINION  
DISTRIBUTORS,

Defendant.

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**[Proposed] Order of Dismissal and Retention of Jurisdiction**

**WHEREAS**, on or about December 8, 2020, the City of New York (the “City”) commenced the above-captioned action (the “Action”) against the Old Dominion Tobacco Company, Inc. d/b/a Atlantic Dominion (“Atlantic Dominion”);

**WHEREAS**, Atlantic Dominion and the City have resolved to settle the Action in accordance with the terms set forth in the Consent Order (ECF No. 94) entered by the Court on June 7, 2024;

**WHEREAS**, the Court has agreed to retain jurisdiction until December 31, 2026 to enforce the Consent Order pursuant to *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994) (Consent Order ¶ 19);

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. Atlantic Dominion and the City agree to comply with the terms of the Consent Order (ECF No. 94) entered by the Court on June 7, 2024.
2. The Court shall retain jurisdiction until December 31, 2026 to enforce the terms of the Consent Order pursuant to *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994).

3. Except as provided in paragraph 2 above, the Action is dismissed with prejudice under Fed. R. Civ. P. 41(a)(2). Each party shall bear its own attorney's fees and costs.

**It is SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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**NUSRAT CHOUDHURY**  
**UNITED STATES DISTRICT JUDGE**